

First Extraordinary Session, 2011

ACT No. 20

HOUSE BILL NO. 26

BY REPRESENTATIVE BARROW

AN ACT

To amend and reenact R.S. 33:103(C)(1)(j)(introductory paragraph) and (l), 112(C)(1)(a), 121, the heading of Subpart B-32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.601(4), 130.602(A)(1) and (7), the heading of Subpart B-36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.721(A), the heading of Subpart L of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 140.181, 151, 172(F)(1), 365, 423.11, 423.14, 423.20, 423.21, 441.30, 447.2, 1236(60), (62)(a), and (63)(a), 1236.5, 1236.20(A)(1)(introductory paragraph) and (C)(3)(a), 1243(A)(1) and (B)(1), 1324(9), 1415(G), 1429.1, 1448(G)(1), 1521(introductory paragraph), 1573, 1967(C), 1976(introductory paragraph), 1992(A)(introductory paragraph) and (D), 2213(H), 2423(A), 2536.3(introductory paragraph), 2569, 2582(A)(1) and (2), 2584(B), 2586, 2711(B) and (D)(1), 2711.7(A), 2711.16(A), 2717.18, 2721.7(A)(1), 2721.14, 2737.52(A), 2737.56(A), 2737.66(A) and (C)(1), 2737.71(A), 2737.73(A), 2737.74(A) and (B), 2738.84(A)(2) and (3), 2738.85(A)(1), 2740.18(A)(1), 2740.18.1(A), 2740.34(A), 2740.35(A)(1), 2740.36(B), 2740.37(B)(1), 2740.61, 3892(A), the heading of Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, 4159.10(B)(introductory paragraph), 4169(C), 4175(B)(1), 4305(B)(2), the heading of Subpart F of Part I of Chapter 10 of Title 33 of the Louisiana Revised Statutes of 1950, 4311, 4546.2(D), 4561.1, 4562.1(A) and (B), 4562.2(A) and (B), 4564(D), 4570.11(A) and (B)(1)(a) through (d), 4574(B)(40) and (F)(1)(b)(iii), 4574.1.1(A)(40), (42), and (45), (N)(1), (Q), and (R), 4574.2(D), 4574.19, 4579(A), 4709.21(A), 4712.15, 4717(B), 4720.161(Q)(7), 4722(B)(introductory paragraph) and (C), 4780.51(A), 4785(B), 4790, 4877, 4879(B) and (C), 5062(A), 7551, 7602(4), (8)(a), (9), (10), and (11), 7603(14),

7604(A), 9033.3(A) and (N), 9036(B), 9037.1, 9038.31(3), 9038.41(A) and (B)(introductory paragraph), 9038.55, 9038.61(A), 9053.1(A), 9073.1(A), 9076(A), and 9611(A) and to repeal Subpart B-31 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.591 through 130.599, R.S. 33:130.601(5), Subpart B-41 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, comprised of R.S. 33:130.781, and R.S. 33:1221(B), 1415(F), 1521.1(D), 1992(A)(11), 2213(I), 2625, 2740.48, and 7603(20), relative to Title 33 (Municipalities and Parishes) of the Louisiana Revised Statutes of 1950 which are limited in applicability to certain political subdivisions or local areas based upon population classifications; to specify applicability to one or more political subdivisions or local areas; to adjust population categories to retain applicability; to repeal provisions that are outdated or obsolete; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 33:103(C)(1)(j)(introductory paragraph) and (l), 112(C)(1)(a), 121, the heading of Subpart B-32 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.601(4), 130.602(A)(1) and (7), the heading of Subpart B-36 of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 130.721(A), the heading of Subpart L of Part IV of Chapter 1 of Title 33 of the Louisiana Revised Statutes of 1950, 140.181, 151, 172(F)(1), 365, 423.11, 423.14, 423.20, 423.21, 441.30, 447.2, 1236(60), (62)(a), and (63)(a), 1236.5, 1236.20(A)(1)(introductory paragraph) and (C)(3)(a), 1243(A)(1) and (B)(1), 1324(9), 1415(G), 1429.1, 1448(G)(1), 1521(introductory paragraph), 1573, 1967(C), 1976(introductory paragraph), 1992(A)(introductory paragraph) and (D), 2213(H), 2423(A), 2536.3(introductory paragraph), 2569, 2582(A)(1) and (2), 2584(B), 2586, 2711(B) and (D)(1), 2711.7(A), 2711.16(A), 2717.18, 2721.7(A)(1), 2721.14, 2737.52(A), 2737.56(A), 2737.66(A) and (C)(1), 2737.71(A), 2737.73(A), 2737.74(A) and (B), 2738.84(A)(2) and (3), 2738.85(A)(1), 2740.18(A)(1), 2740.18.1(A), 2740.34(A), 2740.35(A)(1), 2740.36(B), 2740.37(B)(1), 2740.61, 3892(A), the heading of Part IV of Chapter 9 of Title 33 of the Louisiana Revised Statutes of 1950, 4159.10(B)(introductory paragraph), 4169(C), 4175(B)(1), 4305(B)(2), the heading of Subpart F of Part I of Chapter 10 of Title 33 of the Louisiana Revised Statutes of 1950,

4311, 4546.2(D), 4561.1, 4562.1 (A) and (B), 4562.2(A) and (B), 4564(D), 4570.11(A) and (B)(1)(a) through (d), 4574(B)(40) and (F)(1)(b)(iii), 4574.1.1(A)(40), (42), and (45), (N)(1), (Q), and (R), 4574.2(D), 4574.19, 4579(A), 4709.21(A), 4712.15, 4717(B), 4720.161(Q)(7), 4722(B)(introductory paragraph) and (C), 4780.51(A), 4785(B), 4790, 4877, 4879(B) and (C), 5062(A), 7551, 7602(4), (8)(a), (9), (10), and (11), 7603(14), 7604(A), 9033.3(A) and (N), 9036(B), 9037.1, 9038.31(3), 9038.41(A) and (B)(introductory paragraph), 9038.55, 9038.61(A), 9053.1(A), 9073.1(A), 9076(A), and 9611(A) are hereby amended and reenacted to read as follows:

§103. Planning commission; membership; appointment

* * *

C.

* * *

(1)

* * *

(j) Notwithstanding any provision of this Section or any other law to the contrary, the governing authority of ~~a municipality with a population of not less than seven thousand one hundred fifty persons and not more than seven thousand two hundred fifty persons as of the most recent federal decennial census~~ the city of Plaquemine may pay members of the planning commission of ~~such a~~ the city and such members may receive a per diem for attendance at meetings of the commission for a maximum of twenty-four days per year in amounts not to exceed the following maximums:

* * *

(l) Notwithstanding any other provision of law to the contrary, the governing ~~authority of any municipality with a population of not more than three thousand one hundred persons and not less than two thousand six hundred persons as of the latest federal decennial census~~ authorities of the municipalities of Arcadia, Delhi, Gramercy, Haughton, Haynesville, Iowa, Jena, Lake Arthur, Lockport, and Many may pay a per diem to members of ~~the municipal planning commission~~ their respective municipal planning commissions for attending meetings of any such

commission. The rate of per diem to be paid to such members and the number of meetings for which per diem shall be paid shall be established by ordinance of the governing authority of ~~the~~ each municipality.

* * *

§112. Subdivision regulations

* * *

C.(1)(a) Within ~~those parishes or municipalities with a population in excess of four hundred twenty-five thousand which have a recreation plan officially adopted in accordance with R.S. 33:108~~ the city of New Orleans, the governing body may enact or may authorize its appropriate agency to enact, as a part of the municipality's ~~or parish's~~ subdivision control regulations, requirements that a subdivider of land dedicate such land areas, sites, and locations for park, playground, and public school purposes as are reasonably necessary to service the proposed subdivision and the future residents thereof, but in no case more than five percent of the gross area of the proposed subdivision. The regulations may provide that the dedication shall be a condition precedent to the approval of any subdivision plat. They shall set forth the standards to be applied in determining the amount of land that is required to be dedicated. These standards shall be based upon the number and type of dwelling units or structures to be included in each subdivision. These standards shall also be based upon studies and surveys conducted by the municipality ~~or parish~~ through its appropriate agency in order to determine the need, if any, for park, playground, and public school sites generated by existing subdivisions within the municipality ~~or parish~~ containing various types of dwelling units or structures.

* * *

§121. Creation of parish development board

A police jury may create and organize a parish development board in accordance with the provisions of this Subpart.

~~The provisions of this Subpart shall not be applicable to any parish containing a municipality with a population of more than three hundred thousand.~~

* * *

1 SUBPART B-32. ECONOMIC DEVELOPMENT AUTHORITY
2 CREATED BY TWO OR MORE MUNICIPALITIES IN MADISON PARISH

3 §130.601. Definitions

4 * * *

5 (4) "Municipality" means any legally incorporated city, town, or village
6 located within the ~~same~~ parish of Madison.

7 §130.602. Creation of authority; territorial jurisdiction

8 A.(1) Notwithstanding any provision of law to the contrary, any two or more
9 municipalities in a ~~parish with a population in excess of thirteen thousand but less~~
10 ~~than fourteen thousand according to the latest federal decennial census~~ the parish of
11 Madison may, upon their own joint initiative, create by local services agreement and
12 intergovernmental contract a special district for industrial, commercial, tourism, and
13 economic development purposes which shall be designated by such name as the
14 municipalities designate; and which shall be governed by a board of commissioners
15 of not less than six members. The mayors of each of the contracting municipalities
16 shall be ex officio members of the board and each municipality, by vote of the
17 governing authority of ~~said~~ such municipality, shall appoint one member to the board
18 who shall be a member of the city council or the board of aldermen. The president
19 of the police jury for the parish ~~in which the special district is located~~ shall be an ex
20 officio member of the board and the police jury for ~~said~~ the parish shall appoint one
21 member to the board who shall be a member of the police jury.

22 * * *

23 (7) The commission shall meet in regular session at least once a year or more
24 often as set by vote of the commission and shall also meet in special session as often
25 as the president of the commission convenes them or on written request of two
26 members. Four members of the commission shall constitute a quorum; however, a
27 member may be represented at any meeting by his designee who shall have all

1 powers of a member at such meeting. The authority shall be domiciled in the parish
2 ~~where the contracting municipalities are located~~ of Madison and maintain suitable
3 offices in ~~the~~ such parish.

4 * * *

5 SUBPART B-36. ~~ECONOMIC DEVELOPMENT AUTHORITIES LOCATED IN~~
6 ~~CERTAIN PARISHES~~ TERREBONNE ECONOMIC DEVELOPMENT AUTHORITY

7 §130.721. ~~Economic development authorities; parishes with a population of not~~
8 ~~more than one hundred twenty thousand persons and not less than one~~
9 ~~hundred four thousand persons~~ Terrebonne Economic Development
10 Authority; governing board; budget

11 A. The provisions of this Subpart shall be applicable to ~~any economic~~
12 ~~development authority located in any parish with a population of not more than one~~
13 ~~hundred twenty thousand persons and not less than one hundred four thousand~~
14 ~~persons according to the latest federal decennial census~~ the Terrebonne Economic
15 Development Authority.

16 * * *

17 SUBPART L. ~~HOME RULE CHARTER PARISHES WITH POPULATIONS IN~~
18 ~~EXCESS OF FOUR HUNDRED THOUSAND~~ ZONING AUTHORITY; JEFFERSON
19 PARISH

20 §140.181. Zoning authority; Jefferson Parish

21 ~~In any parish which has adopted a home rule charter and has a population of~~
22 ~~four hundred thousand or more, the governing authority of the parish~~ The governing
23 authority of the parish of Jefferson may prepare, enact, and enforce comprehensive
24 plans for the parish to divide the parish into districts or zones restricting and
25 regulating therein the location, erection, construction, reconstruction, alteration, and
26 use of buildings, structures, and land for trade, industry, residence, and other uses,
27 in accordance with its home rule charter and in accordance with any local or general
28 law granting zoning authority to local governmental subdivisions.

29 * * *

§151. Petition for annexation of territory

Whenever one-third in number and value of the bona fide owners of any lots or land, lying contiguous and adjacent to the territorial corporate limits of any city or town, the city of New Orleans excepted, ~~or, whenever one-half in number and value of the bona fide owners of any lots or land, lying contiguous and adjacent to the corporate limits of any city located in a parish which parish has a population of between one hundred fifteen thousand and one hundred twenty-five thousand persons~~ desire that such lots or land be annexed to and included in the territorial corporate limits of any such adjacent and contiguous city or town, so as to constitute a part thereof, or whenever one-fourth in number of the bona fide owners of any lots or land, lying contiguous and adjacent to the corporate limits of any city located in the parish of Rapides desire that such lots or land be annexed to and included in the territorial corporate limits of any such adjacent and contiguous city or town, so as to constitute a part thereof, they shall present to the mayor and governing body of such city or town as constituted by law, by whatever name called, a petition in writing signed by them, setting forth their desire that ~~said~~ such lots or land shall be annexed to and included in the territorial corporate limits of such city or town, so as to constitute a part thereof, and therein also fully setting forth the boundaries and accurate description of such lots or land which they desire to be annexed to and included in the territorial corporate limits of such adjacent and contiguous city or town.

* * *

§172. Petition to annex territory; valuation of property; notice of filing petition;
hearing concerning proposed ordinance; alternative methods

* * *

F.(1) Except as provided in Subsections C and D of this Section and in R.S. 33:172.1 and 172.2, the governing authority of a municipality within a ~~parish~~ the parish of St. Tammany, other than a municipality with a population of more than twenty-five thousand persons, may annex vacant land contiguous to its borders only in accordance with the procedure provided in this Subsection. ~~As used in this~~

1 ~~Subsection, "parish" means any parish operating under a home rule charter with a~~
2 ~~population between one hundred ninety-one thousand and two hundred thirty~~
3 ~~thousand based on the most recent federal decennial census. "Parish" shall not~~
4 ~~include any parish with a consolidated form of government.~~

5 * * *

6 §365. Naming of town hall ~~in certain municipalities;~~ town of Jonesboro

7 ~~Notwithstanding R.S. 14:316 or any other law to the contrary, any governing~~
8 ~~authority in any municipality having a population of between four thousand three~~
9 ~~hundred five and four thousand three hundred ten according to population estimates~~
10 ~~of the U.S. Bureau of the Census from April 1, 1990 through July 1, 1996~~ The
11 governing authority of the town of Jonesboro may name its town hall after Richard
12 Zuber, its former long-time mayor.

13 * * *

14 §423.11. ~~Certain municipalities~~ City of Winnfield; disciplinary action by chief of
15 police

16 Notwithstanding any other provision of law to the contrary, in and for ~~any~~
17 ~~municipality having a population of fewer than six thousand two hundred and more~~
18 ~~than five thousand nine hundred persons as of the 1990 federal census~~ the city of
19 Winnfield, the chief of police may take whatever steps are necessary to effect
20 disciplinary action concerning police personnel, including but not limited to
21 suspension for not longer than three days. Any such disciplinary action shall be
22 taken without regard to race, creed, or color.

23 * * *

24 §423.14. Assistant police chief; ~~certain municipalities~~ city of Westwego

25 Notwithstanding the provisions of any law to the contrary, the duties of the
26 assistant chief of police of ~~any municipality with a population of at least ten~~
27 ~~thousand five hundred but not more than ten thousand nine hundred persons as of the~~
28 ~~most recent federal decennial census~~ the city of Westwego shall be determined by

1 the chief of police for the municipality, and the assistant chief shall act as chief in the
2 administration of the police department in the absence of the police chief.

3 * * *

4 §423.20. ~~Certain municipalities~~ Town of White Castle; authority over personnel by
5 elected chief of police

6 Notwithstanding the provisions of R.S. 33:423 or any other provision of law
7 to the contrary, in and for ~~any municipality having a population of not more than one~~
8 ~~thousand nine hundred fifty-five persons and not less than one thousand eight~~
9 ~~hundred fifty-five persons according to the latest federal decennial census~~ the town
10 of White Castle, the chief of police shall appoint, promote, discipline, and discharge
11 police personnel subject to the budgetary limitations of the mayor and town council
12 pertaining to the number of allotted positions for the police department.

13 §423.21. ~~Certain municipalities~~ Town of Independence; authority over personnel by
14 elected chief of police

15 Notwithstanding the provisions of R.S. 33:423 or any other provision of law
16 to the contrary, in and for ~~any municipality having a population of not more than one~~
17 ~~thousand eight hundred persons and not less than one thousand six hundred fifty~~
18 ~~persons according to the latest federal decennial census and located in any parish~~
19 ~~with a population of not more than one hundred four thousand persons and not less~~
20 ~~than ninety-eight thousand five hundred persons according to the latest federal~~
21 ~~decennial census~~ the town of Independence, the chief of police shall appoint,
22 promote, discipline, and discharge police personnel subject to the budgetary
23 limitations of the mayor and town council pertaining to the number of allotted
24 positions for the police department.

25 * * *

26 §441.30. ~~Village with a population greater than three hundred ten and less than three~~
27 ~~hundred twenty-five~~ Village of Evergreen; appointment of court magistrate;
28 duties; salary

29 The board of aldermen of ~~a village with a population greater than three~~
30 ~~hundred ten and less than three hundred twenty-five~~ the village of Evergreen shall,

upon request of the mayor, appoint an attorney who shall be designated as court magistrate and who shall serve at the pleasure of the mayor and may from time to time be designated by the mayor to serve in his stead as the presiding official over the mayor's court. Whenever the magistrate is so designated by the mayor to preside over the mayor's court, he shall exercise the powers and authority of the mayor over said court. The magistrate shall receive a salary fixed and paid by the board of aldermen.

* * *

§447.2. Mayor's court; ~~town of Kinder~~ certain municipalities; additional court costs

Notwithstanding any other provision of law to the contrary, the ~~mayor in the town of Kinder and any incorporated municipality having a population of more than two thousand but less than twenty-two hundred, according to the most recent decennial census;~~ mayors of the municipalities of Benton, Blanchard, Brusly, Delcambre, Erath, Golden Meadow, Greenwood, Jean Lafitte, Kinder, Oak Grove, Port Barre, Richwood, Simmesport, and White Castle may also impose additional court costs not to exceed twenty dollars for each offense, as defined by ordinance, on any defendant convicted of a violation of a municipal ordinance.

* * *

§1236. Powers of parish governing authorities

The police juries and other parish governing authorities shall have the following powers:

* * *

(60) ~~The governing authority of Iberia Parish and any parish with a population between fifty thousand and fifty-three thousand seven hundred, and between seventy-five thousand and eighty-five thousand persons~~ authorities of the parishes of Ascension, Iberia, St. Mary, and Vernon shall have a privilege against property for the amount of any unpaid service charge or user fee for sewage disposal services of any sewage district located in the parish. ~~The~~ Each such governing authority may provide by ordinance for the filing into the public records of notice of nonpayment of a service charge or user fee for sewage disposal services in any of the

1 sewage districts located in the parish. The filing of such notice of nonpayment shall
2 perfect the privilege against the property for which such charge or fee is not paid
3 which shall be prior in rank to mortgages, vendor's privileges, and all other privileges
4 except tax privileges. The ordinance shall provide for notice by certified mail, prior
5 to filing such notice in the public records, to any person who fails to pay such service
6 charges or user fees that a privilege exists upon the property for the amount of such
7 unpaid charges or fees and that such privilege will be perfected by the filing of a
8 notice of nonpayment in the public records. Not less than thirty days after mailing
9 such notice and only after the person's subsequent failure to pay such charge or fee
10 within the thirty days, the notice of nonpayment may be filed in the mortgage records
11 of the parish.

12 * * *

13 (62)(a) The governing ~~authority of any parish with a population of between~~
14 ~~thirty-nine and fifty thousand according to the latest federal decennial census and~~
15 ~~which is located adjacent to the Mississippi River~~ authorities of the parishes of St.
16 Charles and St. John the Baptist may levy and collect an ad valorem tax not to
17 exceed five mills on all taxable property in ~~the parish~~ their respective parishes for the
18 purpose of providing additional funds for the construction of a hurricane protection
19 levee and related drainage structures, including but not limited to pumps and
20 pumping stations, located within the boundaries of ~~the parish~~ their respective
21 parishes. In addition, the governing authority of each such parish, with the approval
22 of the State Bond Commission and the parish electorate, is authorized to issue bonds
23 for the purpose of construction of such levees and drainage structures.

24 * * *

25 (63)(a) The governing authority of ~~any parish with a population of not less~~
26 ~~than four hundred twenty-five thousand whose boundaries are not coterminous with~~
27 ~~a single municipality~~ the parish of Jefferson may adopt an ordinance which
28 establishes a maximum allowable wake created by any vessel on the waterways of
29 that parish, if such waterways are within the boundaries or immediately abutting any
30 national park. The maximum allowable wake established by such ordinance,

1 regardless of the speed or size of the vessel, may be fifteen inches in vertical height
2 measured from the ambient tide level to the crest of the vessel's bow wave at a
3 distance not less than twenty-five feet from the vessel. "No Wake" zones shall be
4 posted on any waterways affected by such ordinance.

5 * * *

6 §1236.5. Authority of ~~police juries~~ parish governing authorities to furnish space to
7 community service centers; St. Bernard Parish

8 The ~~police juries of parishes having a population of between 45,000 and~~
9 ~~52,000 according to the 1970 census~~ governing authority of the parish of St. Bernard
10 shall have the power to furnish office space and secretarial assistance to community
11 service centers or ~~multi-service~~ multiservice centers, located within the parish, which
12 assist and counsel members of the public concerning all social services.

13 * * *

14 §1236.20. Liens for removal and securing dangerous structures; maintenance of
15 property; interest; assistance of national guard; Iberia Parish

16 A.(1) The governing authority of a ~~parish with a population between sixty-~~
17 ~~seven thousand five hundred and sixty-nine thousand based on the 1990 Census~~ the
18 parish of Iberia may:

19 * * *

20 C.

21 * * *

22 (3)(a) Any person desiring to be notified in the event a specific, immovable
23 property will be subject to post-adjudication sale may file a request for such notice
24 in the mortgage records of the parish ~~in which the property is located.~~

25 * * *

26 §1243. Maximum penalties

27 A.(1) ~~In any parish with a population of four hundred twenty-five thousand~~
28 ~~or less~~ Except as otherwise provided in this Section, the maximum penalty which

1 may be imposed for violation of any parish ordinance shall be a fine of five hundred
2 dollars and imprisonment of thirty days in the parish jail.

3 * * *

4 B.(1) In ~~any parish with a population in excess of four hundred twenty-five~~
5 ~~thousand, which parish contains at least one parish boundary abutting or lying within~~
6 ~~Lake Pontchartrain, the parish of Jefferson~~ the maximum penalty which may be
7 imposed for violation of any parish ordinance shall be a fine of five hundred dollars
8 and imprisonment of six months in the parish jail.

9 * * *

10 §1324. Grant of authority to parishes, municipalities, police juries, harbor districts
11 and terminal districts to act jointly

12 Any parish, municipality or political subdivision of the state, or any
13 combination thereof, may make agreements between or among themselves to engage
14 jointly in the construction, acquisition or improvement of any public project or
15 improvement, the promotion and maintenance of any undertaking or the exercise of
16 any power, provided that at least one of the participants to the agreement is
17 authorized under a provision of general or special law to perform such activity or
18 exercise such power as may be necessary for completion of the undertaking. Such
19 arrangements may provide for the joint use of funds, facilities, personnel or property
20 or any combination thereof necessary to accomplish the purposes of the agreement,
21 and such agreements may include but are not limited to activities concerning:

22 * * *

23 (9) The reassessment or reappraisal of property subject to ad valorem
24 taxation in ~~a parish with a population in excess of four hundred thousand~~ the parishes
25 of East Baton Rouge, Jefferson, and Orleans, in which event each party to ~~said~~ the
26 agreement is hereby authorized to contribute any portion of its funds as are deemed
27 necessary to accomplish ~~said~~ such activity, notwithstanding any previous law or parts
28 of law in conflict herewith.

29 * * *

§1415. Governing authorities of parishes and municipalities; power to abolish entities created by them; fiscal, budgetary and other controls; appointment and terms of members of certain entities

* * *

G.(1) Notwithstanding any provisions of law to the contrary, when a board or commission, other than a hospital service district, whether presently created or hereafter created by the governing authority of any parish, exercises governmental functions within a municipality, the governing authority of the municipality shall appoint a member to such board or commission. The governing authority of the municipality shall also have the power to remove and replace such member.

(2) The provisions of this Subsection shall not be applicable to ~~parishes with populations of more than four hundred twenty-five thousand persons and less than four hundred seventy-five thousand persons~~ the parish of Jefferson or to parish library boards.

* * *

§1429.1. Funds for other law enforcement purposes; Vernon Parish

~~A.~~ The sheriff of Vernon Parish may use any available funds of his office or of the law enforcement district to engage in cooperative endeavors with other law enforcement agencies within the parish for law enforcement purposes. In furtherance of such cooperative endeavors, he may provide funding to other law enforcement agencies in the parish.

~~B. This Section shall apply only to the sheriff in any parish with a population of not more than fifty-three thousand persons and not less than fifty thousand persons as provided in the most recent federal decennial census.~~

* * *

§1448. Group insurance; kinds; amounts; subrogation

* * *

G.(1) Notwithstanding the provisions of Subsection D of this Section, the premium costs of group hospital, surgical, medical expense, and dental insurance and the first ten thousand dollars of life insurance contracted for under the provisions of

1 this Section shall be paid in full from the sheriff's general fund for all sheriffs and
 2 deputy sheriffs retired with at least fifteen years of service who are at least fifty-five
 3 years of age or retired with at least thirty years of service at any age. The provisions
 4 of this Subsection shall be applicable only to the sheriffs' offices of the parishes of
 5 Bossier, St. Bernard, St. Martin, Acadia, Allen, Avoyelles, Beauregard, Caddo,
 6 Calcasieu, Caldwell, Cameron, Catahoula, Concordia, East Feliciana, Grant,
 7 Iberville, Jackson, Jefferson Davis, Lafayette, Lincoln, Livingston, Morehouse,
 8 Natchitoches, Pointe Coupee, Rapides, Red River, St. James, Tangipahoa, Union,
 9 Vermilion, Vernon, Washington, West Baton Rouge, West Carroll, and West
 10 Feliciana, ~~and any parish with a population of between one hundred thousand and~~
 11 ~~one hundred two thousand according to the latest federal decennial census~~ and the
 12 sheriff of the Civil District Court of the parish of Orleans, for their respective
 13 retirees. The provisions of this Subsection shall also apply to the employees of the
 14 Sheriffs' Pension and Relief Fund and the Louisiana Sheriffs' Association, which
 15 fund and association shall pay the premium costs for their employees.

16 * * *

17 §1521. Fees of criminal sheriff from sureties for return of fugitives; Orleans Parish

18 The criminal sheriff in ~~parishes having a population of four hundred seventy-~~
 19 ~~five thousand or more~~ the parish of Orleans shall collect from sureties when a
 20 fugitive is returned to the custody of the criminal sheriff, the following fees and
 21 charges:

22 * * *

23 §1573. Title to property in office of coroner

24 Notwithstanding the provisions of R.S. 33:4713, the coroner of ~~any parish~~
 25 ~~with a population between four hundred thousand and four hundred seventy-five~~
 26 ~~thousand as established by the 1990 U.S. Decennial Census~~ the parish of Jefferson,
 27 or his designee, may purchase and equip such real property as is necessary in the
 28 performance of his duties, including but not limited to a morgue, regional or local
 29 forensic center, and criminalistics lab. The ownership of such real property shall be

1 vested in the name of the office of the coroner provided no parish funds are
2 expended.

3 * * *

4 §1967. Captain of force

5 * * *

6 C. Notwithstanding the provisions of Subsection A of this Section or any law
7 to the contrary, the fire department in ~~any municipality with a population between~~
8 ~~two hundred ten thousand and four hundred ten thousand as of the most recent~~
9 ~~federal decennial census~~ the city of Baton Rouge and any fire protection district
10 comprised of unincorporated areas of a ~~parish with a population of greater than four~~
11 ~~hundred twenty thousand as of such census~~ the parish of Jefferson may continue the
12 staffing procedures in effect on July 2, 1999.

13 * * *

14 §1976. Naming of central fire station ~~in certain municipalities;~~ city of Shreveport

15 ~~Notwithstanding R.S. 14:316 or any other law to the contrary, a municipal~~
16 ~~governing authority in a municipality having a population of at least one hundred~~
17 ~~fifty thousand but less than two hundred twenty-five thousand persons, according to~~
18 ~~the most recent federal decennial census;~~ The governing authority of the city of
19 Shreveport may name the central fire station in honor of a former fire chief who
20 meets the following criteria:

21 * * *

22 §1992. Minimum salaries

23 A. The minimum monthly salaries of firemen in municipalities having a
24 population of twelve thousand or more and in the city of Bastrop and of all parish
25 and fire protection district paid firemen, including salaries payable out of the avails
26 of any special tax provided by the Constitution of Louisiana for increasing the pay
27 of firemen, shall be in accordance with the following schedule, and such salaries
28 shall be paid semi-monthly not later than the fifth and twentieth day of each calendar
29 month:

30 * * *

D. Notwithstanding any other law to the contrary, Paragraph (A)(9) of this Section, as such Paragraph exists on April 1, 2001, shall apply to the fire department of any incorporated city with a population of not less than two hundred thousand and not more than two hundred twenty-five thousand persons as of the latest federal decennial census In the city of Shreveport, a fire alarm operator or dispatcher, or any other person doing this type of work for the fire department of the city, shall receive a minimum monthly salary of not less than twenty-five percent above that of a fireman.

* * *

§2213. Maximum hours; overtime or compensatory time; exceptions for certain cities

* * *

H.(1) Any municipality subject to the provisions of this Subpart, to maximize police protection, may establish and implement a fourteen-day shift cycle for all full-time paid patrolmen, patrolmen first class, sergeants, lieutenants, captains, or any other employees of the police department except those in a position, grade, or class above that of captain which may require such officers to work Monday, Tuesday, Friday, Saturday, and Sunday of the first week of the cycle, and Wednesday and Thursday of the second week of the cycle. The workday shall consist of twelve hours on the above specified days. Such officers shall be paid overtime at one and one-half times their usual salary when the number of hours worked during the two-week cycle exceeds eighty hours or shall be credited with compensatory time on a one and one-half basis for all hours in said cycle that exceed eighty hours.

~~(2) The provisions of Subsection A of this Section and the provisions of this Subsection shall not apply to a municipality with a population of fewer than twelve thousand seven hundred persons according to the most recent federal decennial census.~~

* * *

§2423. Corrective or disciplinary action for maintaining standards of service; ~~cities~~
~~with a population in excess of 450,000~~

A. When any employee in the classified service is unable or unwilling to perform the duties of his position in a satisfactory manner or has committed any act to the prejudice of the service, or has omitted to perform any act that it was his duty to perform, or otherwise has become subject to corrective action, the appointing authority shall take action warranted by the circumstances to maintain the standards of effective service. The action may extend to (1) removal from the service, (2) retirement under any provision of law applicable, (3) reduction in pay to the next lower rate in the scale for the class, (4) demotion to any position of a lower class that the employee is deemed by the appointing authority and the director to be competent to fill, or (5) suspension without pay for a period not exceeding in the aggregate sixty days in any continuous period of twelve months, or (6) reprimand or other less drastic measure of discipline which the appointing authority considers proper. ~~In municipalities having a population in excess of 450,000, the action may extend to (1) removal from the service, (2) retirement under any provision of law applicable, (3) demotion to any position of a lower class that the employee is deemed by the appointing authority and the director to be competent to fill, (4) suspension without pay for a period not exceeding in the aggregate sixty days in any continuous period of twelve months.~~

* * *

§2536.3. Compensation of members; ~~certain municipalities~~ city of Plaquemine

Notwithstanding any provision of this Part to the contrary, in ~~a municipality with a population of not less than seven thousand one hundred fifty persons and not more than seven thousand two hundred fifty persons as of the most recent federal decennial census~~ the city of Plaquemine, members of the civil service board of such ~~a~~ the city may receive from funds available to the board a per diem for attendance at meetings of the board for a maximum of twenty-four days per year in amounts not to exceed the following:

* * *

1 §2569. Assistant police chief; ~~certain municipalities~~ city of Westwego

2 Notwithstanding the provisions of R.S. 33:2541 or any other law to the
3 contrary, the position of assistant chief of police for ~~any municipality with a~~
4 ~~population of at least ten thousand five hundred but not more than ten thousand nine~~
5 ~~hundred persons as of the most recent federal decennial census~~ the city of Westwego
6 shall be in the unclassified service, and the right of selection, appointment,
7 supervision, and discharge for ~~such positions~~ any such position shall be vested in the
8 chief of police of the ~~municipality~~ city.

9 * * *

10 §2582. Parochial employees; conversion of annual leave into financial benefit;
11 Jefferson Parish

12 A. Eligibility. (1) Any employee of a ~~parish governing authority~~ the
13 ~~governing authority of the parish of Jefferson~~ who has been in parish service in a
14 ~~parish with a population in excess of four hundred twenty-five thousand~~ the parish
15 for at least seven years of continuous service and has accumulated a total of not less
16 than ninety days of annual leave credit shall have the option to convert certain
17 portions of such annual leave into financial benefit.

18 (2) Any employee of a the parish governing authority who has been in parish
19 service in a the parish ~~with a population in excess of four hundred twenty-five~~
20 ~~thousand~~ for at least five years of continuous service and has accumulated less than
21 ninety annual leave days but at least forty-two days may in an emergency apply to
22 the personnel board of the agency for permission to convert certain portions of such
23 annual leave into financial benefit.

24 * * *

25 §2584. Local civil service; inclusion of employees

26 * * *

27 B. The provisions of this Section shall not apply, or be interpreted or
28 construed to apply, to any ~~municipality having a population of five hundred thousand~~
29 ~~or more, or to any municipality or parish which pursuant to Article X, Section 14 of~~
30 ~~the Louisiana Constitution elects to be~~ governed by the provisions of Part I of Article

1 X of the Louisiana Constitution; nor shall the provisions of this Section authorize,
2 or be interpreted or construed to authorize, the inclusion in any local civil service of
3 firemen or policemen in contravention of the provisions of Article X, Section 19 of
4 the Louisiana Constitution.

5 * * *

6 §2586. Fire and police civil service; incentive pay

7 The fire and police civil service board of ~~any municipality with a population~~
8 ~~of less than four hundred seventy-five thousand, and the civil service board of any~~
9 municipality, parish, or fire protection district with a classified fire and police civil
10 service system established as provided in R.S. 33:2471 or 2531 may establish a plan
11 for awarding incentive pay to classified employees. The plan shall include the
12 criteria for eligibility for incentive pay, the method by which classified employees
13 shall be reviewed for eligibility, and how such eligibility shall be determined.
14 Determination of the amount of incentive pay and which classified employees are to
15 receive incentive pay shall be made by the appointing authority for the municipality,
16 parish, or fire protection district subject to available funds budgeted for such
17 purpose. The incentive pay awarded under the provisions of this Section shall be in
18 addition to any other salary the classified employee is entitled to receive from the
19 municipality, the state, or any other governmental entity.

20 * * *

21 §2711. Tax authorized; rate; sales tax districts; certain municipalities

22 * * *

23 B. In addition to the exemptions from the state sales and use tax as set forth
24 in R.S. 47:305 ~~through 305.15, or as same may be hereafter amended, any~~
25 ~~municipality having a population of between fifty-four thousand and seventy-one~~
26 ~~thousand according to the 1990 federal census, authorized to levy a sales and use tax~~
27 ~~by the provisions of this Section, or by the provisions of any other statute, et seq., the~~
28 municipalities of Lake Charles and Monroe shall have the authority to exempt drugs
29 prescribed by physicians for personal consumption and use, and wheelchairs and

1 prosthetic devices, and food purchased for personal consumption off the premises
2 where purchased, for the sales and use tax so levied.

3 * * *

4 D.(1) Notwithstanding any other provision of law to the contrary and in
5 addition to any other authority granted by law, the governing ~~authority of any~~
6 ~~municipality with a population of not less than six thousand five hundred and not~~
7 ~~more than seven thousand five hundred persons based on the latest federal decennial~~
8 ~~census and located in a parish with a population of not less than forty-eight thousand~~
9 ~~two hundred fifty and not more than fifty thousand persons based on the latest~~
10 ~~federal decennial census and any municipality with a population of not less than~~
11 ~~three thousand nine hundred fifty and not more than four thousand persons according~~
12 ~~to the most recent federal decennial census~~ authorities of the municipalities of
13 Breaux Bridge, St. Martinville, and Youngsville may create sales tax districts
14 consisting of a portion of ~~such municipality~~ their respective municipalities. Each
15 sales tax district, as a political subdivision of the state, is authorized to levy and
16 collect an additional one percent sales and use tax upon the sale at retail, the use, the
17 lease or rental, the consumption, and the storage for use or consumption of tangible
18 personal property and on sales of services, as defined by law, if approved by a
19 majority of the electors of the district voting thereon in an election held for that
20 purpose. The governing authority of a sales tax district shall be the governing
21 authority of the municipality, the domicile of the sales tax district shall be the regular
22 meeting place of the municipality, and the officers of the sales tax district shall be
23 officers of the municipality. The proceeds of the additional sales tax levied pursuant
24 to the provisions of this Subsection shall be used by the governing authority of the
25 municipality, under the terms and provisions of an intergovernmental agreement
26 between the municipality and the sales tax district, for paying the costs and expenses
27 of constructing, improving, and maintaining the municipality's infrastructure which
28 serves properties located in the municipality or shall be used to promote the
29 economic development of the sales tax district and the municipality, and may be
30 funded into bonds for such purposes in the manner provided by state law. The tax

1 authorized pursuant to the provisions of this Subsection shall be collected as
2 provided in the Uniform Local Sales Tax Code and other applicable provisions of
3 law. The boundaries of any sales tax district as specified by the governing authority
4 shall be wholly within the corporate limits of the municipality and shall not overlap
5 any other municipal sales tax district.

6 * * *

7 §2711.7. Tax authorized; ~~parishes with population exceeding four hundred thousand~~
8 ~~but not in excess of five hundred thousand~~ parishes of East Baton Rouge,
9 Jefferson, and Orleans

10 A. Notwithstanding any other provision of law, the governing ~~body of any~~
11 ~~parish having a population exceeding four hundred thousand but not in excess of five~~
12 ~~hundred thousand according to the latest regular federal census for which the official~~
13 ~~figures have been made public is~~ authorities of the parishes of East Baton Rouge,
14 Jefferson, and Orleans are hereby authorized subject to voter approval to levy and
15 collect within the limits of ~~said parish~~ their respective parishes a tax not to exceed
16 one percent upon the occupancy of hotel rooms located within ~~said parish~~ their
17 respective parishes.

18 * * *

19 §2711.16. ~~Certain municipalities~~ Municipalities in Tensas Parish; authority to levy
20 additional sales and use tax; ~~population less than eight thousand~~

21 A. Notwithstanding any provision of law to the contrary, the governing
22 authority of any municipality in a ~~parish with a population of less than eight~~
23 ~~thousand according to the latest federal decennial census~~ the parish of Tensas may
24 levy and collect an additional one percent sales and use tax within the corporate
25 limits of the municipality.

26 * * *

§2717.18. ~~Municipalities of over 400,000 population~~ City of New Orleans; not applicable

R.S. 33:2717.1-33:2717.17 does not apply to municipalities of a population of over four hundred thousand (400,000) The provisions of R.S. 33:2717.1 through 2717.17 shall not be applicable to the city of New Orleans.

* * *

§2721.7. Additional sales and use tax authorized

A.(1) In addition to any other authority granted by a home rule charter or otherwise, the governing authority of ~~any parish or school board in any parish having a population of more than sixty thousand people and less than seventy thousand people according to the latest federal decennial census of record and in which parish there is located a permanent federal military installation~~ Vernon Parish or the Vernon Parish School Board may levy and collect an additional parishwide tax upon the sale at retail, the use, the lease or rental, the consumption, and the storage for use or consumption of tangible personal property and on sales of services as defined by law, if approved by a majority of electors voting therein in an election held for that purpose.

* * *

§2721.14. Authorization to levy and collect additional sales and use tax ~~in certain parishes;~~ Livingston Parish

A.(1) Notwithstanding any other provision of law to the contrary, the governing authority of ~~any parish having a population in excess of ninety-one thousand persons, but fewer than ninety-three thousand persons, as determined by the most recent federal decennial census;~~ the parish of Livingston may levy and collect an additional one-half of one percent sales and use tax within the parish under the provisions of Article VI, Section 29(B) of the Constitution of Louisiana, which additional sales and use tax shall not be subject to the combined rate limitations established by Article VI, Section 29(A) of the Constitution of Louisiana, nor any other provision of law to the contrary, including the combined rate limitation established by R.S. 33:2721.6.

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three years from the date of the first levy thereof, an additional sales and use tax not to exceed one-half percent within ~~said parish~~ their respective parishes.

* * *

§2737.56. Certain parish school boards, authority to levy additional sales and use tax

A. ~~Any parish school board in a parish with a population in excess of four hundred thousand but less than four hundred eighty thousand according to the latest federal census is~~ The East Baton Rouge Parish School Board and the Jefferson Parish School Board are hereby authorized to levy and collect an additional sales and use tax not to exceed one-half percent within ~~said~~ the parish.

* * *

§2737.66. Authority to levy additional sales and use tax; creation of special districts; ~~parish school boards in parishes with a population between one hundred twenty-five thousand and one hundred thirty-five thousand~~ Rapides Parish School Board

A. ~~Any parish school board in a parish with a population in excess of one hundred twenty-five thousand but less than one hundred thirty-five thousand according to the latest federal decennial census~~ The Rapides Parish School Board is hereby authorized to levy and collect an additional sales and use tax not to exceed one percent.

* * *

C.(1) The governing authority of the ~~respective~~ parish school district is authorized to create a special district or districts to utilize the additional tax authorized herein. Any special district or districts so created may contain all or any portion of territory contained within the boundaries of the parish.

* * *

1 §2737.71. ~~Certain school boards~~ Tensas Parish School Board; authority to levy and
2 collect additional sales and use tax; ~~population between five thousand and~~
3 ~~nine thousand~~

4 A. ~~Any school board in a parish having a population of more than five~~
5 ~~thousand but fewer than nine thousand persons as of the most recent federal~~
6 ~~decennial census~~ The Tensas Parish School Board may levy and collect an additional
7 sales and use tax not in excess of one-half of one percent.

8 * * *

9 §2737.73. ~~Certain school boards~~ Madison Parish School Board; authority to levy
10 and collect additional sales and use tax; ~~population between 13,000 and~~
11 ~~14,000~~

12 A. ~~Any school board in a parish having a population of more than thirteen~~
13 ~~thousand but fewer than fourteen thousand persons as of the most recent federal~~
14 ~~decennial census~~ The Madison Parish School Board may levy and collect an
15 additional sales and use tax not in excess of one percent.

16 * * *

17 §2737.74. Authorization to levy and collect additional sales and use tax ~~in certain~~
18 ~~parishes; population between forty-two thousand five hundred and forty-three~~
19 ~~thousand five hundred; parishes of Lincoln, St. John the Baptist, and~~
20 Washington

21 A. Notwithstanding any other provision of law to the contrary, the governing
22 ~~authority of any parish having a population in excess of forty-two thousand five~~
23 ~~hundred but fewer than forty-three thousand five hundred persons, as determined by~~
24 ~~the most recent federal decennial census~~ authorities of the parishes of Lincoln, St.
25 John the Baptist, and Washington, may levy and collect an additional one percent
26 sales and use tax within ~~the parish~~ their respective parishes under the provisions of
27 Article VI, Section 29(B) of the Constitution of Louisiana, which additional sales
28 and use tax shall not be subject to the combined rate limitations established by
29 Article VI, Section 29(A) of the Constitution of Louisiana, nor the combined rate
30 limitation established by R.S. 33:2721.6.

B. The sales and use tax so levied shall be imposed by ordinance of the governing authority of ~~such~~ the parish and shall be levied upon the sale at retail, the use, lease, or rental, consumption, and the storage for use or consumption of tangible personal property, and on sales of services in the parish, all as defined in Chapter 2 of Subtitle II of Title 47 of the Louisiana Revised Statutes of 1950. However, the ordinance imposing the tax shall be adopted by the governing authority only after the question of the imposition of the tax has been submitted to the qualified electors of ~~such~~ the parish at an election to be conducted on or before July 31, 2000, in accordance with the election laws of the state of Louisiana, and a majority of those voting in the election have voted in favor of the imposition of the tax.

* * *

§2738.84. Authorization to levy and collect additional sales and use tax in certain
parishes and municipalities

A.

* * *

(2)(a) Notwithstanding any other provision of law to the contrary, the governing authority of a ~~parish having a population in excess of three hundred and fifty thousand but fewer than four hundred and thirty-five thousand persons, as determined by the most recent federal decennial census,~~ the parish of East Baton Rouge may levy and collect an additional one percent sales and use tax within the parish under the provisions of Article VI, Section 29(B) of the Constitution of Louisiana, which additional sales and use tax shall not be subject to the combined rate limitations established in Article VI, Section 29(A) of the Constitution of Louisiana, nor any other provision of law to the contrary.

(b) Notwithstanding any other provision of law to the contrary, the governing authority of any municipality located in a ~~parish having a population in excess of three hundred and fifty thousand and fewer than four hundred and thirty-five thousand persons, as determined by the most recent federal decennial census, the~~ parish of East Baton Rouge may levy and collect an additional one percent sales and use tax within the municipality under the provisions of Article VI, Section 29(B) of

1 the Constitution of Louisiana, which additional sales and use tax shall not be subject
2 to the combined rate limitations established in Article VI, Section 29(A) of the
3 Constitution of Louisiana, nor any other provision of law to the contrary.

4 (3) Notwithstanding any other provision of law to the contrary, the
5 governing authority of ~~a parish having a population in excess of four hundred and~~
6 ~~seventy thousand persons, as determined by the most recent federal decennial census,~~
7 the parish of Orleans may levy and collect an additional one percent sales and use
8 tax within the parish under the provisions of Article VI, Section 29(B) of the
9 Constitution of Louisiana, which additional sales and use tax shall not be subject to
10 the combined rate limitations established in Article VI, Section 29(A) of the
11 Constitution of Louisiana, nor any other provision of law to the contrary.

12 * * *

13 §2738.85. Authorization to levy and collect additional sales and use tax; Lafayette
14 Parish

15 A.(1) Notwithstanding any other provision of law to the contrary, ~~any parish~~
16 ~~having a population in excess of one hundred eighty-seven thousand, but fewer than~~
17 ~~one hundred ninety-one thousand people as determined by the most recent federal~~
18 ~~decennial census~~ the parish of Lafayette, the largest municipality within such parish,
19 and any sales tax district or districts created by the governing authority of such
20 parish pursuant to R.S. 33:2721.6 may levy and collect an additional sales and use
21 tax of up to one percent pursuant to the provisions of Article VI, Section 29(B) of the
22 Constitution of Louisiana; provided that such levy shall not result in an increase in
23 the rate of the sales and use tax levied within the parish or any portion of the parish
24 in excess of one percent. The additional sales and use tax shall not be subject to the
25 combined rate limitations established by Article VI, Section 29(A) of the
26 Constitution of Louisiana, nor any other provision of law to the contrary, including
27 the combined rate limitation established by R.S. 33:2721.6.

28 * * *

1 §2740.18. Hotel occupancy tax; Jefferson and Orleans parishes

2 A.(1) Except as provided in Subsection D of this Section, in addition to any
3 other tax or assessment levied or authorized by law, the governing ~~authority~~
4 authorities of ~~any parish with a population in excess of four hundred forty thousand~~
5 ~~and less than five hundred twenty thousand~~ is the parish of Jefferson and the parish
6 of Orleans are hereby authorized and empowered to levy and collect a tax upon the
7 paid occupancy of hotel rooms located within the respective parish. The hotel
8 occupancy tax shall be one percent of the rent or fee charged for such occupancy.

9 * * *

10 §2740.18.1. Hotel occupancy tax in ~~parishes with populations of not less than four~~
11 ~~hundred twenty-five thousand and not greater than four hundred seventy-five~~
12 ~~thousand~~ Jefferson Parish

13 A. The governing authority of ~~any parish with a population not less than four~~
14 ~~hundred and twenty-five thousand and not greater than four hundred and seventy-~~
15 ~~five thousand~~ the parish of Jefferson is hereby authorized and empowered to levy
16 and collect a tax upon the paid occupancy of hotel rooms located on the east bank of
17 the Mississippi River within the parish. The hotel occupancy tax shall be one
18 percent of the rent or fee charged for such occupancy. The word "hotel" as used in
19 this Section shall mean and include any establishment engaged in the business of
20 furnishing or providing rooms intended or designated for dwelling, lodging, or
21 sleeping purposes to transient guests, where such establishment contains two or more
22 rooms. "Hotel" does not include any hospital, convalescent or nursing home, or
23 sanitarium, or hotel-like facility operated by or in connection with a hospital or
24 medical clinic providing rooms exclusively for patients and their families. The hotel
25 occupancy tax shall be paid by the person who exercises or is entitled to occupancy
26 of the hotel room and shall be paid at the time the rent or fee for occupancy is paid.
27 "Person" as used herein shall have the same definition as that contained in R.S.
28 47:301(8).

29 * * *

1 §2740.34. Tax authorization

2 A. The governing ~~authority of any parish with a population of between~~
3 ~~thirty-eight thousand and forty-five thousand and which is split by the Mississippi~~
4 ~~River~~ authorities of the parishes of St. Charles and St. John the Baptist, or parishes
5 acting jointly or in cooperation with one or more parishes as provided in Article VI,
6 Section 20 of the Constitution of Louisiana, ~~is~~ are hereby authorized to levy a tax
7 upon admission charges, concessions, and other sales of tangible personal property
8 at motor vehicle speedway or racetrack facilities located within the parish, or
9 parishes if such tax is levied in cooperation with other parishes. The tax shall be
10 imposed by ordinance adopted by the parish or by each parish if the tax is levied in
11 cooperation with one or more parishes. The tax shall not exceed two percent of
12 admission charges, concession prices, or the price of other tangible personal property
13 sold.

14 * * *

15 §2740.35. Economic development districts; city of New Orleans; creation,
16 composition, and powers; preparation of plans; levy of ad valorem taxes and
17 issuance of bonds

18 A.(1) There is hereby created a special taxing district within ~~any~~
19 ~~municipality with a population of four hundred seventy-five thousand or more~~
20 ~~persons~~ the city of New Orleans comprised of the territory located within the
21 boundary of Almonaster Avenue, one mile north of Hayne Boulevard/Lake
22 Pontchartrain, the Industrial Canal, and the St. Tammany-Orleans Parish line.

23 * * *

24 §2740.36. Tax on dumped trash; certain districts in ~~certain municipalities~~ the city
25 of New Orleans

26 * * *

27 B. Notwithstanding any provision of law to the contrary, the governing body
28 of a business and industrial district located in ~~a municipality having a population in~~
29 ~~excess of four hundred fifty thousand persons as of the most recent decennial census~~
30 the city of New Orleans may levy and collect a tax on trash dumped in any area of

1 the business and industrial district specified by district ordinance adopted pursuant
2 to Paragraph (C)(2) of this Section.

3 * * *

4 §2740.37. Educational facilities improvement districts

5 * * *

6 B.(1)(a) There is hereby created in the school districts in Tangipahoa,
7 Livingston, East Baton Rouge, West Baton Rouge, Webster, Jefferson, Lafayette,
8 Sabine, DeSoto, Red River, Richland, Morehouse, Madison, Tensas, Natchitoches,
9 Winn, East Carroll, West Carroll, LaSalle, Grant, Caldwell, Franklin, Ouachita, ~~and~~
10 Bienville, and St. Landry parishes, the city of Monroe, and the city of Baker, ~~should~~
11 ~~a city of Baker municipal school system be established as provided by law, a~~
12 political subdivision to be known as an educational facilities improvement district,
13 hereinafter sometimes referred to as a "district". Each district shall have boundaries
14 coterminous with the respective school district.

15 ~~(b) Additionally, in accordance with the legislative findings and~~
16 ~~determinations enumerated in Subsection A of this Section and in furtherance of the~~
17 ~~purposes specified in such Subsection, there is hereby created in the school districts~~
18 ~~in parishes having a population of between seventy-eight thousand and eighty-four~~
19 ~~thousand persons according to the most recent federal decennial census a political~~
20 ~~subdivision to be known as an educational facilities improvement district, hereinafter~~
21 ~~sometimes referred to as a "district". Each district shall have boundaries~~
22 ~~coterminous with the respective school district.~~

23 * * *

24 §2740.61. Downtown development district; ~~certain municipalities~~ city of
25 Donaldsonville

26 A historic district created and provided for by ordinance by the governing
27 authority of ~~any municipality with a population of more than seven thousand five~~
28 ~~hundred fifty but less than seven thousand six hundred fifty persons according to the~~

latest federal decennial census the city of Donaldsonville shall be deemed to be and shall be recognized as a downtown development district.

* * *

§3892. Sewerage districts; ~~certain parishes~~ Tangipahoa Parish

A. Notwithstanding any other provision of law to the contrary, the provisions of this Section shall apply to any parish sewerage district located in ~~any parish with a population of not more than one hundred two thousand and not less than ninety-nine thousand persons, based on the latest federal decennial census~~ the parish of Tangipahoa.

* * *

PART IV. PRIVATIZATION OF SEWERAGE AND WATER BOARD FACILITIES
IN MUNICIPALITIES WITH A POPULATION OF 475,000 OR MORE THE CITY OF
NEW ORLEANS

§4159.10. Public sewage and water drainage disposal and treatment facilities;
privatization; specific authorization procedures; city of New Orleans

* * *

B. Procedures. Prior to entering into any contracts or agreements relative to the ownership, operation, or maintenance of any sewerage and water board sewage or water disposal or treatment facility with a nonpublic entity, ~~in any municipality with a population in excess of four hundred seventy-five thousand, in accordance to the most recent federal decennial census~~ in the city of New Orleans the following procedures shall occur:

* * *

§4169. Collection contracts for sewerage service charges; access charges; enforcement procedures for delinquent charges

* * *

C. In ~~parishes with a population of not less than four hundred twenty-five thousand nor more than four hundred seventy-five thousand~~ the parish of Jefferson,

any such contract as authorized in ~~R.S. 33:4169 Subsections (A) A and (B) B~~ of this Section may be executed for a term up to twenty-five years.

* * *

§4175. Public power authorities in ~~municipalities with a population in excess of four hundred thousand~~ the city of New Orleans

* * *

B.(1) ~~Any municipality having a population in excess of four hundred thousand according to the most recent federal decennial census~~ The city of New Orleans may create a public power authority as a political subdivision of the state of Louisiana constituting a legal entity separate and apart from the municipal corporation in accordance with the procedures established under the provisions of R.S. 33:4172 for the purpose of providing electric power and energy ~~and/or~~ and gas services solely to the municipality and its inhabitants and engaging in related activities in furtherance thereof.

* * *

§4305. Domicile; meetings; officers; bonds; depositories; compensation; rate fixing

* * *

B.

* * *

(2) Notwithstanding any contrary provision of this Subsection or of any other provision of law, in ~~any parish having a population, according to the latest official federal decennial census, of not less than 250,000 or more than 325,000 in which there presently exists a single gas utility district~~ the parish of East Baton Rouge, no member of the board of commissioners shall be paid a salary for his services, but may be paid a fee of up to fifty dollars for each meeting he attends as determined by the board, for not in excess of twenty-four regular and twelve special meetings in each year, and shall be entitled to reimbursement for all expenditures which he incurs in carrying on the business of the district. The meeting fee may be adjusted once annually to reflect the change in the valuation of the dollar; however, the total fee shall not exceed fifty dollars per meeting. The chief executive officer of the board,

1 president or chairman, the ~~vice-president~~ vice president or ~~vice-chairman~~ vice
2 chairman when he serves as chief executive officer, the secretary, the treasurer, or
3 the secretary-treasurer may receive such reasonable additional compensation for
4 administrative services as is commensurate with the duties to be performed.

5 * * *

6 SUBPART F. UTILITY COMMISSIONS IN ~~MUNICIPALITIES OF 6,000 TO 7,000~~
7 CERTAIN MUNICIPALITIES

8 §4311. Creation of commission; membership

9 The governing authorities of ~~any municipality incorporated under the~~
10 ~~provisions of R.S. 33:321 to R.S. 33:481, having a population from six thousand to~~
11 ~~seven thousand~~ the municipalities of Carencro, Denham Springs, Lake Providence,
12 Oakdale, Port Allen, Springhill, and Winnfield are hereby authorized to create
13 utilities commissions, by ordinance adopted following the effective date of this ~~Sub-~~
14 ~~part~~ Subpart. The commissions shall consist of five qualified electors and citizens
15 of the respective parishes wherein the municipalities creating the commissions are
16 located.

17 * * *

18 §4546.2. Creation of the authority

19 * * *

20 D. The provisions of this Chapter shall be inapplicable with respect to ~~any~~
21 ~~municipality having a population of three hundred fifty thousand or more persons~~ the
22 city of New Orleans or ~~a consolidated form of government of three hundred fifty~~
23 ~~thousand or more persons~~ to the East Baton Rouge city-parish form of government.

24 * * *

25 §4561.1. Naming of civic center theater ~~by certain municipal governing authorities;~~
26 city of Monroe

27 ~~Notwithstanding R.S. 14:316 or any other law to the contrary, a municipal~~
28 ~~governing authority in a home rule charter municipality with a population of not less~~
29 ~~than fifty thousand and not more than fifty-five thousand persons according to the~~
30 ~~most recent federal decennial census~~ The governing authority of the city of Monroe

may name a civic center theater in honor of a former living mayor of the municipality who served in such office for more than fifteen years and his service in such office ended prior to 1980.

* * *

§4562.1. Service charge authorized; assessment and collection; St. Mary Parish

A. ~~The governing authority of any recreation district in a parish whose population is greater than fifty-six thousand persons and less than fifty-eight thousand one hundred and fifty persons as of the most recent federal census~~ the parish of St. Mary is hereby authorized to establish, by majority vote of the members of the authority, a service charge or rates of service charges for each residential or commercial structure for a term not to exceed ten years to be assessed on persons owning each such structure, whether occupied or unoccupied, located wholly or partly within the boundaries of the recreation district, subject to the provisions of Subsection B of this Section. For purposes of this Section, each residential or commercial unit in a structure shall be considered a separate structure, and a mobile home, as defined in R.S. 9:1149.2(3), shall be considered a structure. Such service charges or rates of service charges shall be equal for all structures and shall be framed so as to cover, and shall be used for, the costs of constructing, acquiring, maintaining, operating and/or improving recreation services and facilities for the recreation district, including property and equipment necessary for such purposes.

B. Service charges or rates of service charges so established shall be assessed by resolution of the governing authority of the recreation district ~~in a parish whose population is greater than fifty-six thousand persons and less than fifty-eight thousand one hundred and fifty persons as of the most recent federal census.~~ However, the resolution assessing the service charges shall be adopted by the governing authority only after the question of the assessment, its duration, and the amount of the service charge or rates of service charges to be established have been submitted to and approved by a majority of voters of the district voting at an election

1 held for that purpose. Such election shall be conducted in accordance with the
2 election laws of the state.

3 * * *

4 §4562.2. Parcel fee; submission to voters; St. Mary Parish

5 A. In addition to all other charges, fees, and taxes authorized to be levied,
6 each recreation district in a ~~parish whose population is greater than fifty-six thousand~~
7 ~~persons and less than fifty-eight thousand one hundred and fifty persons as of the~~
8 ~~most recent federal census~~ the parish of St. Mary may levy and collect a parcel fee
9 within its boundaries which shall not exceed one hundred dollars per parcel per year,
10 which parcel fee shall be imposed by resolution or ordinance of the governing
11 authority of the district only after the question of the imposition of the parcel fee and
12 the purpose, rate, and duration of the parcel fee has been approved by a majority of
13 the voters of the district voting at an election held therein. The proceeds of such
14 parcel fee shall be expended for the purpose of acquiring, constructing, maintaining,
15 operating, or improving recreation services and facilities for the recreation district,
16 including property and equipment necessary for such purposes. Any parcel fee
17 imposed pursuant to this Section shall be levied and collected and be due and owing
18 annually. Such fee may be carried on the tax rolls for the parish in which such
19 district is located and collected at the same time as parish ad valorem taxes. If any
20 parcel fee is not paid when due, such district shall proceed against the parcel for
21 collection of the amount of the fee unpaid and delinquent, any collection costs
22 incurred by such district plus interest at a rate not exceeding twelve percent on the
23 unpaid amount of the parcel fee, and in the event legal proceedings are necessary to
24 effect collection, court costs, and reasonable ~~attorney's~~ attorney fees. However,
25 ~~attorney's~~ attorney fees shall be payable by the parcel owner only if demand by the
26 governing authority of such district has been made on the parcel owner by registered
27 or certified mail, and such parcel owner has failed to pay the amount due within ten
28 days after such demand. A judgment obtained for nonpayment of a parcel fee, upon
29 being recorded in the mortgage records in the parish in which a district is located,
30 shall prime all other liens except those for taxes and prior recorded local or special

1 assessments. If there are one or more property mortgages on such parcel and the
2 mortgage holder or holders have notified the tax collector in the parish of such
3 recorded mortgage in accordance with the requirements of R.S. 47:2180.1, the
4 district, prior to proceeding against such parcel for failure to pay a parcel fee, shall
5 give notice to each mortgagee of the amount of the parcel fee due and owing on such
6 parcel and that such parcel fee must be paid within twenty days after the mailing of
7 the notice or proceedings will be commenced against the parcel. The notice shall be
8 sent to each such mortgage holder by certified mail, return receipt requested, or made
9 by person or domiciliary service on such mortgage holder.

10 B. Each district in ~~a parish whose population is greater than fifty-six~~
11 ~~thousand persons and less than fifty-eight thousand one hundred and fifty persons as~~
12 ~~of the most recent federal census~~ the parish may incur debt and issue bonds payable
13 from an irrevocable pledge and dedication of all or a portion of the proceeds of a
14 parcel fee, provided, however, that the question of funding said proceeds into bonds
15 shall have been approved by a majority of the voters of the district voting at an
16 election held therein and the State Bond Commission has approved the issuance of
17 the bonds. The question or proposition with respect to the funding of the proceeds
18 of the parcel fee into bonds may be voted upon at the election held to authorize the
19 imposition of the parcel fee or may be submitted at a separate election held for that
20 purpose. The maturities of the bonds shall be so arranged that the total amount of
21 principal and interest falling due in any year, together with that falling due in such
22 year on all bonds theretofore issued payable from such parcel fee, shall not exceed
23 eighty percent of the estimated proceeds to be received from the levy of such parcel
24 fee in the calendar year in which the bonds are issued. The bonds may be sold at
25 public or private sale and shall be issued pursuant to the provisions of a resolution
26 adopted by the governing authority of the district; provided that the bonds shall
27 mature over a period not to exceed the period for which the parcel fee, the proceeds
28 of which are to be used to pay principal and interest on the bonds, is authorized. The

bonds and the income therefrom shall be exempt from taxation by the state and by any parish, municipality, or political subdivision thereof.

* * *

§4564. Board of commissioners; appointment and tenure; organization; secretary-treasurer; compensation

* * *

D. Notwithstanding the provisions of Subsection B of this Section, each commissioner of a recreational district in ~~a parish with a population between one hundred thousand and one hundred five thousand based on the most recent federal decennial census~~ the parishes of Tangipahoa and Terrebonne shall receive a per diem of twenty-five dollars.

* * *

§4570.11. Recreation and park ~~commissions; certain parishes~~ commission; St. John the Baptist Parish

A. There is hereby created a recreation and park commission within ~~any parish with a population of not less than thirty-nine thousand three hundred persons and not more than forty-one thousand five hundred persons as of the most recent federal decennial census~~ the parish of St. John the Baptist, whose authority shall extend to the whole of such a parish, inclusive of all municipalities within the parish. Any such commission shall be known as the "Recreation and Park Commission of the Parish of St. John the Baptist".

B.(1) The commission shall be composed of commissioners appointed as follows:

(a) Two shall be appointed by the parish president ~~or the police jury president~~, subject to approval of the parish council ~~or police jury~~, from a list of four nominations submitted by the chamber of commerce active in the parish.

(b) Two shall be appointed by the parish president ~~or the police jury president~~, subject to approval of the parish council ~~or police jury~~, from a list of four nominations submitted by the principals and athletic directors of public high schools in the parish.

1 (c) One shall be appointed by the parish president ~~or the police jury~~
 2 ~~president~~, subject to approval of the parish council ~~or police jury~~, from a list of two
 3 nominations submitted by the parish sheriff.

4 (d) Four shall be appointed by the parish president ~~or the police jury~~
 5 ~~president~~, subject to approval of the parish council ~~or police jury~~, from a list of
 6 nominations compiled from one nomination from each member of the parish council
 7 ~~or police jury~~.

8 * * *

9 §4574. Tourist commissions; creation; purpose; directors; powers

10 * * *

11 B. Pursuant to Article VI, Sections 19 and 30 of the Constitution of
 12 Louisiana, the following commissions and bureaus, hereafter collectively referred
 13 to in this Chapter as "tourist commissions" or "commissions", are hereby specifically
 14 created as special districts or commissions. Each such commission shall be a body
 15 politic and corporate and a political subdivision of the state of Louisiana, composed
 16 of the following territory:

17 * * *

18 (40) ~~A tourist commission composed of all the territory in any parish having~~
 19 ~~a population of not less than twenty-five thousand five hundred and not more than~~
 20 ~~twenty-eight thousand persons as of the most recent federal decennial census~~
 21 Plaquemines Parish; composed of all the territory in Plaquemines Parish.

22 * * *

23 F.(1)

24 * * *

25 (b)

26 * * *

27 (iii) Notwithstanding any other provision of this Section, in ~~parishes with~~
 28 ~~populations between thirty-five thousand and forty thousand persons, the parishes~~
 29 of Evangeline and Natchitoches, the governing ~~authority herein named~~ authorities
 30 of the respective parishes may appoint as one member of ~~said~~ the commission the

1 president of any city or parish chamber of commerce within the jurisdictional
2 boundaries of ~~said the~~ governing authority, provided that ~~said the~~ commission shall
3 serve only one parish. Any member so appointed shall serve on ~~said the~~ commission
4 for the duration of his term as president of ~~said the~~ chamber of commerce.

5 * * *

6 §4574.1.1. Occupancy taxes levied by the commissions

7 A. For the purposes set forth in Paragraph (F)(3) of this Section, a
8 commission created pursuant to R.S. 33:4574(B) is authorized to levy and collect a
9 tax upon the occupancy of hotel rooms, motel rooms, and overnight camping
10 facilities within the jurisdiction of the commission. Such tax shall not exceed the
11 following percentages of the rent or fee charged for such occupancy:

12 * * *

13 (40) A tourist commission in ~~any parish having a population of not less than~~
14 ~~twenty-five thousand five hundred and not more than twenty-eight thousand persons~~
15 ~~as of the most recent federal decennial census~~ Plaquemines Parish, two percent.

16 * * *

17 (42) ~~A convention and visitor's bureau or commission in any parish having~~
18 ~~a population of not less than one hundred thirty-five thousand and not more than one~~
19 ~~hundred seventy-five thousand persons as of the July 1, 1998 population estimate by~~
20 ~~the United States Bureau of the Census~~ Monroe-West Monroe Convention and
21 Visitor's Bureau of Ouachita Parish, two percent. The proceeds of such occupancy
22 tax shall ~~only be used~~ be used only for the acquisition, construction, operation,
23 maintenance, and activities of the convention and visitor's bureau or commission in
24 such parish. The percentage rate provided in this Subparagraph shall be in addition
25 to any other percentage authorized by law.

26 * * *

27 (45) ~~Any tourist commission in a parish having a population of not fewer~~
28 ~~than forty-eight thousand one hundred and not more than fifty-two thousand five~~

1 ~~hundred persons as of the most recent federal decennial census~~ St. Martin Parish
2 Tourist Commission, two percent in addition to any other such tax authorized by law.

3 * * *

4 N.(1) ~~Any tourist commission composed of all the territory in any parish~~
5 ~~having a population of not less than twenty-one thousand eight hundred and not more~~
6 ~~than twenty-two thousand eight hundred persons as of the most recent federal~~
7 ~~decennial census~~ The Pointe Coupee Parish Tourist Commission may levy and
8 collect an additional tax upon the occupancy of hotel rooms, motel rooms, and
9 overnight camping facilities within the jurisdiction of the commission not to exceed
10 one percent.

11 * * *

12 Q.(1)(a) Notwithstanding any other law to the contrary, ~~any tourist~~
13 ~~commission in a parish with a population of not less than fifty-three thousand seven~~
14 ~~hundred and not more than fifty-seven thousand seven hundred persons according~~
15 ~~to the most recent federal decennial census~~ the Vermilion Parish Tourist Commission
16 shall levy and collect an additional tax of three percent upon the occupancy of hotel
17 rooms, motel rooms, and overnight camping facilities within the jurisdiction of the
18 commission. The tax shall be levied without a vote of the people by ordinance
19 adopted by the governing authority of the tourist commission. The percentage rate
20 provided in this Subsection shall be in addition to any other percentage authorized
21 by law.

22 ~~(b) The tourist commission shall provide athletic programs for the youth of~~
23 ~~the parish and shall enter into cooperative endeavors with the governing authorities~~
24 ~~of the parish and any municipality with a population of not less than six thousand~~
25 ~~and not more than twelve thousand persons according to the most recent federal~~
26 ~~decennial census within the parish, as appropriate, for such purposes, including the~~
27 ~~expenditure or allocation of revenue, as provided in this Subsection, for such~~
28 ~~purposes.~~

29 ~~(2)(a) Two-thirds of the proceeds of the tax collected pursuant to this~~
30 ~~Subsection shall be dedicated for youth athletic programs throughout the parish and~~

1 ~~shall be used to purchase insurance, uniforms, and athletic equipment and supplies.~~
2 ~~The proceeds of the tax shall be distributed, based upon the number of youth~~
3 ~~participating in athletic programs, on a per capita basis.~~

4 ~~(b) One-third of the proceeds of the tax collected pursuant to this Subsection~~
5 ~~shall be dedicated for the promotion of tourism, including advertisements promoting~~
6 ~~festivals and other events within the parish.~~

7 ~~(c) None of the proceeds of the tax collected pursuant to this Subsection shall~~
8 ~~be used or expended for capital outlay purposes.~~

9 ~~(3) If the tax provided for in this Subsection is not levied within sixty days~~
10 ~~after July 11, 2005, such failure shall be considered a failure to perform a ministerial~~
11 ~~duty required by law of public officials. To this end, the district attorney for the~~
12 ~~parish shall provoke the issuance of a writ of mandamus to compel the appropriate~~
13 ~~officials to act as provided by law.~~

14 ~~(4)~~(2)(a) Notwithstanding any other provision of law to the contrary, two-
15 thirds of the monies collected by the Vermilion Parish Tourist Commission from the
16 levy of the additional three percent tax on the occupancy of hotel rooms, motel
17 rooms, and overnight camping facilities as authorized by law, shall be used to fund
18 recreation programs for all youth in Vermilion Parish. The commission shall enter
19 into a cooperative endeavor with the governing authority of Vermilion Parish and
20 each entity provided for in this Subparagraph to provide for the allocation of revenue
21 collected for such purposes. The revenue collected for purposes of this
22 Subparagraph shall be allocated as follows:

23 (i) Twenty-eight and one-half percent shall be allocated to the city of
24 Abbeville.

25 (ii) Twenty-three and one-half percent shall be allocated to the city of
26 Kaplan.

27 (iii) Fourteen percent shall be allocated to the North Vermilion Youth
28 Athletic Association.

29 (iv) Eight percent shall be allocated to the town of Delcambre.

30 (v) Eight percent shall be allocated to the town of Erath.

(vi) Eight percent shall be allocated to the town of Gueydan.

(vii) Five percent shall be allocated to the village of Maurice.

(viii) Five percent shall be allocated to the Vermilion Parish Police Jury.

(b) Any revenue collected by the Vermilion Parish Tourist Commission to fund athletic programs for all youth in Vermilion Parish and not expended prior to the effective date of this Subparagraph shall be used to fund recreation programs in Vermilion Parish as provided in Subparagraph (a) of this Paragraph.

(c)(i) A minimum of seventy-five percent of the revenue allocated to the governmental entities pursuant to Subparagraph (a) of this Paragraph shall be used by each governmental entity to provide funds to any qualified nonprofit youth recreation organization within the territorial jurisdiction of the governmental entity which agrees to enter into a cooperative endeavor with the governmental entities agreeing to use such funds for purposes of youth recreation.

(ii) The revenue allocated to the governmental entities shall be distributed by each entity to the qualified nonprofit youth recreation organizations on a pro-rata basis, based upon the number of youth participating in recreational programs of the organization compared to the total number of youth participating in programs of all the qualified nonprofit youth recreation organizations receiving funds from the governmental entity.

(iii) The remaining funds may be used by each governmental entity for youth recreation purposes as determined by such entity.

(d) As used in this Paragraph the following terms shall have the meanings ascribed to them:

(i) "Qualified nonprofit youth recreation organizations" means an organization whose primary function is related to youth recreation purposes and is recognized by the United States Internal Revenue Service as entitled to exemption under Section 501(c)(3) of the United States Internal Revenue Code. The term shall not include any organization which is in default on any filing or payment with or to the state or any of its agencies or political subdivisions and against which an assessment or judgment that is final and nonappealable has been rendered, and

1 remains outstanding, in favor of the state, or any of its agencies, or political
2 subdivisions.

3 (ii) "Youth recreation purposes" means any use of funds which is related to
4 recreation of persons eighteen years of age or younger, including but not limited to
5 the purchase of uniforms and athletic equipment.

6 (e) Notwithstanding any other provision of law to the contrary, one-third of
7 the monies collected by the Vermilion Parish Tourist Commission from the levy of
8 the additional three percent tax on the occupancy of hotel rooms, motel rooms, and
9 overnight camping facilities as authorized by law shall be dedicated for the
10 promotion of tourism, including advertisements promoting festivals and other events
11 within the parish.

12 (f) Notwithstanding any other provision of law to the contrary, monies
13 collected by the Vermilion Parish Tourist Commission from the levy of the
14 additional three percent tax on the occupancy of hotel rooms, motel rooms, and
15 overnight camping facilities as authorized by law may be used or expended for
16 capital outlay purposes.

17 R. Notwithstanding any other law to the contrary, ~~any tourist commission in~~
18 ~~a parish with a population of not less than seventy-five thousand and not more than~~
19 ~~eighty-five thousand persons according to the most recent federal decennial census~~
20 the Ascension Parish Tourist Commission shall levy and collect an additional tax of
21 two percent upon the occupancy of hotel rooms, motel rooms, and overnight
22 camping facilities within the jurisdiction of the commission. The tax shall be levied
23 by ordinance adopted by the governing authority of the tourist commission and only
24 after approval by a majority of the electorate of such parish voting in an election held
25 for such purpose. The percentage rate provided in this Subsection shall be in
26 addition to any other percentage authorized by law.

27 * * *
28 §4574.2. Budget; borrowing money; audit
29 * * *

D. Any parish commission in a parish with a population of not less than nineteen thousand five hundred nor more than twenty thousand based upon the Census of Population and Housing, 1980: Summary Tape File 1A Louisiana/Prepared by the Bureau of the Census.--Washington: The Bureau of the Census, 1981 the parish of West Baton Rouge may borrow money to construct a tourist information center on commission property provided that the funds are borrowed from a licensed financial institution; the loan is secured by a first mortgage upon the immovable property of the commission; the sum borrowed is less than the market value of the immovable property pledged as security for the loan; and the payments under such loan can be repaid out of the revenue anticipated from the tax authorized herein during the period in which the loan is to be repaid.

* * *

§4574.19. Tourist commissions of certain parishes commission; Tangipahoa Parish;
 designation

Notwithstanding any provision of law to the contrary, any tourist commission created pursuant to R.S. 33:4574 in a parish having a population of not less than one hundred thousand but not more than one hundred four thousand, based on the latest federal decennial census, and notwithstanding any other designation provided in R.S. 33:4574, the commission the parish of Tangipahoa shall be designated as, and be known by, the name of the parish followed by "_____ as the Tangipahoa Parish Tourist Commission".

* * *

§4579. Events center districts in certain parishes

A. ~~There is hereby created in each parish with a population between one hundred forty-four thousand and one hundred sixty thousand based on the latest federal decennial census~~ the parish of St. Tammany an events center district. The district shall consist of the entire area of the parish. The district is created for the purposes set forth in R.S. 33:4579 through 4579.5 and shall be responsible for the

1 acquisition, construction, development, maintenance, and operation of an events
2 center and the programs and events undertaken therein.

3 * * *

4 §4709.21. Business and industrial districts in ~~municipalities with a population in~~
5 ~~excess of four hundred fifty thousand~~ the city of New Orleans; tax
6 exemptions

7 A. As used in this Section, "business and industrial district" means a
8 business and industrial district located in ~~a municipality with a population in excess~~
9 ~~of four hundred fifty thousand persons based on the latest federal decennial census~~
10 the city of New Orleans and established for the purpose of providing for the
11 acquisition, construction, improvement, maintenance, and operation of special
12 projects, additional municipal services, capital improvements, and facilities within
13 the district.

14 * * *

15 §4712.15. Naming of courthouse annex building ~~by the governing authority of~~
16 ~~certain parishes;~~ Beauregard Parish

17 The governing authority of ~~a parish with a population of not less than thirty-~~
18 ~~one thousand five hundred persons and not more than thirty-three thousand persons~~
19 ~~according to the most recent federal decennial census~~ the parish of Beauregard may
20 name a building used as a courthouse annex located in the parish seat as the M.
21 Bolivar Bishop Courthouse Annex Building in honor of M. Bolivar Bishop, a living
22 person who has served as sheriff for more than thirty-five years commencing in
23 1972.

24 * * *

25 §4717. Sale of municipal or parish property no longer needed for public use

26 * * *

27 B. Notwithstanding any provisions of Subsection A of this Section, a
28 ~~municipality with a population in excess of four hundred seventy-five thousand~~ the
29 city of New Orleans shall have the authority to transfer ownership of immovable
30 property to a nonprofit organization which is tax exempt pursuant to Section 501(c)

of the Internal Revenue Code or to a first-time home buyer on the basis of appraised value without the necessity of bid. Such first-time homebuyers shall receive credit for investments such as money, materials, and labor made on the property prior to the transfer, and the municipality may allow the transfer of the property to take the form of a lease-to-purchase agreement.

* * *

§4720.161. Parish redevelopment authority

* * *

Q. As used in this Part, the following terms shall have the meaning herein ascribed to them:

* * *

(7) "Parish" means ~~each parish with a population of not less than one hundred eighty-five thousand persons and not more than one hundred ninety-one thousand persons, according to the latest federal decennial census~~ the parish of Lafayette.

* * *

§4722. Creation of districts; powers of municipal authorities; transfers of development rights; and uniform regulations within district

* * *

B. The governing authority of ~~all municipalities having over four hundred seventy-five thousand population~~ the city of New Orleans shall have the power to provide for official landmark or other appropriate designation by ordinance of areas, places, buildings, and structures having a special historical, community, or aesthetic interest or value; and in connection with those areas, places, buildings, and structures so designated by ordinance to impose regulations governing their construction, alteration, demolition, and use and to adopt additional measures appropriate to their preservation, enhancement, or use, which additional measures may include but are not limited to:

* * *

1 C.(1) All such regulations shall be uniform for each class or kind of land and
2 structure throughout each district, but the regulations of one district may differ from
3 those in other districts. However, no regulation shall change the status of premises
4 which have been continuously used for commercial purposes since January 1, 1929,
5 without interruption for more than six consecutive months at any one time. The
6 governing authority may, however, provide for the removal of nonconforming signs
7 and billboards, less and except billboards erected in compliance with parish or
8 municipal regulations at the time of erection, provided that it first establish a
9 reasonable amortization time for removal according to a reasonable set of standards
10 and schedules.

11 (2) In the city of New Orleans the provisions of Subsection B of this Section
12 shall apply only to the area bounded by the Mississippi River, Howard Avenue, the
13 river side of I-10-Claiborne Avenue and the uptown side of Iberville Street.

14 * * *

15 §4780.51. Notification of area legislators; zoning; hazardous material; Jefferson
16 Parish

17 A. Notwithstanding any other law to the contrary, the ~~local governing~~
18 ~~authority of a parish with a population of four hundred fifty thousand to four hundred~~
19 ~~sixty thousand~~ governing authority of the parish of Jefferson shall notify each
20 member of the state Senate and House of Representatives who represents any portion
21 of the parish no less than thirty days in advance of any action to be taken on an
22 application for a zoning request or zoning variance to build or enhance any storage
23 facility housing hazardous material, as defined in R.S. 30:2363(7).

24 * * *

25 §4785. Retail dealers in alcoholic beverages; suspension or revocation of permits

26 * * *

27 B. ~~Any municipality in this state with a population in excess of four hundred~~
28 ~~thousand~~ The city of New Orleans is hereby authorized to create a municipal
29 alcoholic beverage control board. ~~Such boards~~ The board may suspend or revoke
30 within the corporate limits, permits issued to retail dealers in beverages having an

alcoholic content of more than six percent by volume for causes set forth in R.S. 26:88, ~~26:~~ and 89; and may suspend or revoke permits issued to such retail dealers in beverages having an alcoholic content of not more than six percent by volume for causes set forth in R.S. 26:285, ~~26:~~ and 286. ~~Such boards~~ The board shall be governed by the provisions of the Administrative Procedure Act unless the procedure is specifically established by R.S. 33:4787 or ~~33:~~4788.

* * *

~~§4790. Bicycle regulation in municipalities of over 400,000 the city of New Orleans~~

The governing authorities of all municipalities in this State with a population in excess of 400,000 are authority of the city of New Orleans is hereby authorized and empowered to adopt ordinances regulating the business of purchasing, selling, transferring, exchanging, repairing, or storing of new and/or used bicycles, parts and accessories for bicycles, at wholesale or retail, and to provide for the registration of description and ownership of bicycles.

* * *

§4877. Parish zoning ordinances; St. John the Baptist Parish

The governing authority of ~~any parish having a population of over twenty-~~
~~three thousand in which there exists no municipality~~ the parish of St. John the Baptist
is authorized to zone their territory, to create residential, commercial, and industrial
districts, and to prohibit the establishment of places of business in residential
districts. No zoning ordinance or creation of districts pursuant to the authority herein
shall interfere with or hinder the operation of any existing public utility facilities,
whether publicly or privately owned. The members of the governing authority
attending zoning meetings shall be paid a twenty-five dollar per diem not to exceed
eighteen meetings in any calendar year.

* * *

§4879. Purpose; firearms buyback program; authorization: city of New Orleans

* * *

~~B. Any municipality with a population in excess of four hundred twenty-five thousand~~ The city of New Orleans may institute a firearms buyback program.

1 Funding for the buyback program shall be acquired from cash donations from private
2 businesses and may be acquired from the ~~municipality's~~ city's assets seizures and
3 forfeiture fund if the ~~municipality~~ city possesses such a fund. The firearms buyback
4 program shall exist for not more than a thirty-day period in any calendar year or shall
5 exist until the funds acquired or received for the purchase of the firearms are
6 exhausted.

7 C. ~~A municipality participating in a firearms buyback program~~ The city shall
8 promulgate rules of procedure governing the acquisition and disposal of firearms
9 purchased through the program. Such weapons shall either be destroyed or delivered
10 to law enforcement agencies of the ~~municipality~~ city for departmental use. In no
11 case shall such weapon be given to any individual, except that a stolen weapon shall
12 be returned to its rightful owner on proof of ownership.

13 * * *

14 §5062. Weed cutting in municipalities ~~with a population of less than four hundred~~
15 ~~thousand~~; abutting owner's liability; notice; waiver of notice

16 A. The governing authority of any municipality ~~having a population of less~~
17 ~~than four hundred thousand inhabitants~~, except the city of New Orleans, may enact
18 ordinances requiring that property be maintained in a safe and sanitary condition,
19 including ordinances providing for the cutting, destruction, or removal of noxious
20 weeds or grass or other deleterious, unhealthful, or noxious growths on any
21 sidewalks or banquettes and on any lot, place, or area within the municipality. The
22 charges, costs, and expenses incurred by the municipal governing authority in
23 enforcing such ordinances, shall, to the extent of the actual cost thereof to the
24 municipal governing authority, be a charge, cost, or expense of the property abutting
25 the sidewalk or banquette or of the lot, place, or area, and the owner thereof.

26 * * *

27 §7551. Environmental protection districts, ~~creation by parishes; domicile; creation;~~
28 domicile; Jefferson Parish

29 Upon the approval of the majority of the qualified electors of ~~a parish~~ the
30 parish of Jefferson voting in an election called for such purpose, the governing

1 authority of any parish which is divided by the Mississippi River and has a
2 population in excess of 200,000, but not more than 500,000, of such parish is
3 authorized and empowered to form and create an environmental protection district
4 or districts within ~~said~~ the parish with such name or names as ~~said~~ the governing
5 authority may designate. The district may include parts of incorporated
6 municipalities, ~~towns, or villages,~~ provided that before any incorporated
7 municipality, ~~town, or village~~ may be included within the territory of the district, the
8 governing authority shall first concur by resolution to be included in the district.

9 * * *

10 §7602. Findings, declaration of necessity and purpose

11 It is hereby found and declared that:

12 * * *

13 (4) There exists in parishes ~~in the state having a population of more than four~~
14 ~~hundred seventy-five thousand and in municipalities in the state having a population~~
15 ~~of more than three hundred thousand~~ and municipalities in the state an inadequate
16 supply of safe and sanitary dwelling accommodations for persons and families of all
17 income levels. This condition is contrary to the public interest and threatens the
18 health, safety, morals and welfare, comfort, and security of the people of the
19 parishes, municipalities, and state.

20 * * *

21 (8)(a) The interests of the state will be promoted, and the public interest best
22 served, by the coordinated development of new communities in parishes ~~having a~~
23 ~~population of more than four hundred seventy-five thousand and in municipalities~~
24 ~~having a population of more than three hundred thousand~~ and municipalities.

25 * * *

26 (9) There exists within parishes ~~having a population of more than four~~
27 ~~hundred seventy-five thousand and municipalities having a population of more than~~
28 ~~three hundred thousand~~ and municipalities, vacant or essentially vacant land, which
29 presents such parishes and municipalities with opportunities to develop a highly
30 desirable quality of life for the benefit of their residents and the people of the state,

1 as well as to plan for the entire growth of such parishes and municipalities for the
2 rest of this century through the acquisition, planning, and development of such land
3 and immediate and positive action is required to ensure rational growth of available
4 vacant land, while maximizing development opportunities and social values.

5 (10) The preservation or enhancement of the tax base from which a taxing
6 district within parishes and municipalities ~~having a population of more than three~~
7 ~~hundred thousand~~ realizes tax revenues is essential to its existence and financial
8 health; the preservation and enhancement of such tax base is implicit in the purposes
9 for which a taxing district is established; tax increment financing is an effective
10 method of achieving such preservation and enhancement in areas in which such tax
11 base is not experiencing vigorous growth or is declining; community development
12 in such areas, when complete, will enhance such tax base and provide increased tax
13 revenues to all affected taxing districts, increasing their ability to accomplish their
14 other respective purposes; and the preservation and enhancement of the tax base in
15 such areas through tax increment financing and the levying of taxes by such taxing
16 districts therefor and the appropriation of funds to a new community trust fund bears
17 a substantial relation to the purposes of such taxing districts and is for their
18 respective purposes and concerns.

19 (11) For these purposes, there should be created bodies corporate to be
20 known as "New Community Development Corporations" through which the
21 acquisition, planning, and development of land and the encouragement of maximum
22 participation by the private sector of the economy (including the sale or lease of the
23 corporation's interest in projects, if deemed feasible), may be accomplished, and
24 through participation in programs undertaken by the state, its agencies and
25 subdivisions, parishes and municipalities, ~~having a population of more than three~~
26 ~~hundred thousand~~ and the federal government and the issuance of bonds, notes, and
27 other evidences of indebtedness, the corporations and their subsidiaries may provide
28 or obtain the capital resources necessary to acquire, construct or improve industrial,
29 manufacturing, commercial, educational, recreational and cultural facilities, housing
30 accommodations for persons and families of all income levels, facilities incidental

or appurtenant thereto, transportation systems and facilities, and carry out the clearance, planning, mapping, development, and construction of such areas.

* * *

§7603. Definitions

The following terms wherever used or referred to in this Chapter shall have the following meanings unless a different meaning is clearly indicated in the context:

* * *

14. ~~"Municipality" means any city, town or incorporated village in the state having a population of more than three hundred thousand in which a new community development corporation is created hereby. "The municipality" "Municipality" or "parish" shall mean the particular municipality or parish in which a particular new community development corporation is created~~ the city of New Orleans.

* * *

§7604. Creation of corporation; public hearing; adoption of resolution; certificate

A. ~~In each parish of the state having a population of more than four hundred seventy-five thousand and in each municipality of the state having a population of more than three hundred thousand~~ the city of New Orleans there is hereby created "The New Community Development Corporation", consisting of a public body. ~~corporate and politic and instrumentality of that parish or municipality. Each such~~ The corporation shall be authorized to perform governmental functions as herein provided in this Chapter and shall have perpetual existence; however, upon the adoption by the board of directors of such corporation of a resolution dissolving the corporation and the passage by the governing body of the parish or municipality of a resolution concurring in such dissolution, such corporation's corporate existence shall be terminated. No such corporation shall transact any business or exercise any powers conferred upon it by this Chapter until and unless the governing body of the parish or municipality has by ordinance or resolution activated the corporation.

* * *

§9033.3. Sales tax increment financing for certain municipalities and parishes

~~A. Municipalities with a population between one hundred ninety thousand persons and two hundred fifteen thousand persons or with a population in excess of four hundred thousand persons~~ The municipalities of Shreveport and New Orleans may issue revenue bonds payable from revenues generated by economic development projects with a pledge and dedication of up to the full amount of sales tax increments annually to be used as a guaranty of any shortfall, or at the option of the municipality, payable solely from an irrevocable pledge and dedication of up to the full amount of sales tax increments, in an amount to be determined by the municipality, to finance or refinance all or any part of an economic development project as specified in Subsection M of this Section. For purposes of this Section, a sales tax increment shall consist of that portion of the designated sales tax, hereinafter defined, collected each year on the sale at retail, the use, the lease or rental, the consumption and storage for use or consumption of tangible personal property, and on sales of services, all as defined in R.S. 47:301 et seq., or any other appropriate provision or provisions of law as amended, from taxpayers located within an economic development area which exceeds the sales tax revenues of the designated sales tax that were collected in the year immediately prior to the year in which the area was designated as an economic development area. Dedication of sales tax increments to pay the revenue bonds shall not impair existing obligations and shall not include tax revenues previously dedicated for a special purpose, nor revenues of any sales taxes collected by the state of Louisiana or any political subdivision other than the municipality.

* * *

~~N. This Section shall also apply to any parish with a population between four hundred thousand and four hundred seventy-five thousand persons as of the latest federal decennial census~~ The provisions of this Section shall also apply to the parishes of East Baton Rouge and Jefferson, and for such purpose the term

"municipality" as used in Subsections A through M of this Section shall include each
such a parish.

* * *

§9036. Encouragement of private enterprise

* * *

B. A cooperative economic development project may be undertaken by the
state or any agency or corporation acting on behalf of the state, with the prior written
approval of the commissioner of administration. However, the title to any
immovable property owned by the state shall remain with the state, and such projects
shall be located within a downtown development district in ~~any municipality with a~~
~~population of between two hundred thousand and four hundred thousand~~ the cities
of Baton Rouge or Shreveport. In addition, the state or any agency or corporation
acting on behalf of the state may lease or rent its properties located in such
downtown development districts by negotiation, provided such lease or rental
agreements are approved in writing by the commissioner of administration.

* * *

§9037.1. Bond financing of cooperative endeavors; ~~municipalities and parishes with~~
~~a population in excess of four hundred thousand persons; city of New~~
Orleans; parishes of East Baton Rouge and Jefferson; leases

Any economic development corporation or political subdivision of the state
may issue bonds, subject to applicable law, to finance a cooperative endeavor. ~~Any~~
~~municipality or parish with a population in excess of four hundred thousand persons~~
The city of New Orleans and the parishes of East Baton Rouge and Jefferson or any
municipality within any such a parish, or any public benefit corporation formed by
any such municipality or parish, or economic development corporation established
in any such municipality or parish, may enter into any lease or sublease for the
purpose, directly or indirectly, of securing or providing revenues to be used to pay
the principal or interest on such bonds which lease or sublease may be for a period
not exceeding ninety-nine years.

* * *

1 §9038.31. Definitions

2 As used in this Part, the following terms shall have the following meanings,
3 unless the context requires otherwise:

4 * * *

5 (3) "Local governmental subdivision" means any municipality or parish or
6 any municipality, parish, local industrial board, or local public trust authorized
7 pursuant to R.S. 33:9038.33(N) or 9038.34(N) having jurisdiction over the
8 geographical area bounded by the Mississippi River, the Orleans/Jefferson parish
9 line and the Orleans/Plaquemines parish line; but the provisions of this Part shall not
10 apply to any of the financing of construction, renovations, or improvements of any
11 convention center, hotel complex, and ancillary facilities within ~~any municipality~~
12 ~~having a population in excess of one hundred ninety thousand persons but not more~~
13 ~~than two hundred five thousand persons according to the latest federal decennial~~
14 ~~census~~ the city of Shreveport. However, the provisions of this Part shall apply to ~~any~~
15 ~~parish having a population of not more than one hundred thirty thousand persons and~~
16 ~~not less than one hundred twenty thousand persons, according to the most recent~~
17 ~~federal decennial census~~ the parish of Rapides, only as provided in R.S. 33:9038.41.

18 * * *

19 §9038.41. Tax increment financing; ~~parishes with one hundred twenty thousand to~~
20 ~~one hundred thirty thousand population~~ Rapides Parish

21 A. The provisions of this Section shall be applicable to ~~any parish having a~~
22 ~~population of not more than one hundred thirty thousand persons and not less than~~
23 ~~one hundred twenty thousand persons, according to the most recent decennial federal~~
24 ~~census~~ the parish of Rapides.

25 B. The provisions of this Part shall apply to ~~any parish to which this Section~~
26 ~~is applicable~~ the parish of Rapides, but only for the following purposes:

27 * * *

§9038.55. Conditions on use of certain lands for economic development; East Baton Rouge Parish

Notwithstanding any other provision of law to the contrary, ~~no parish with a population in excess of four hundred thousand persons but not more than four hundred thirty thousand persons according to the latest federal decennial census or~~ neither the parish of East Baton Rouge nor any municipality within such a parish shall move a zoo from the site on which it is located on August 15, 2004, to create an economic development district, until the current site has a suitable replacement for use of the property, as determined by the governing authority of the parish.

* * *

§9038.61. Tax increment financing; ~~certain cities for certain purposes;~~ city of Baton Rouge

A. The provisions of this Section shall be applicable to ~~any city having a population of not more than two hundred fifty thousand persons and not less than two hundred fifteen thousand persons, according to the most recent decennial federal census~~ the city of Baton Rouge. The provisions of this Part not in conflict with this Section shall apply to ~~any city to which this Section is applicable~~ the city of Baton Rouge.

* * *

§9053.1. Creation of parishwide ambulance service district; ~~certain parishes~~ Bossier Parish

A. Notwithstanding any provision of law to the contrary, the governing authority of ~~any parish with a population of less than one hundred thousand persons which includes a municipality with a population of more than fifty thousand persons, according to the most recent decennial census~~ the parish of Bossier, may, upon its own initiative, form and create a single parishwide ambulance service district, excluding incorporated municipalities, except that any incorporated municipality within the parish shall be included within the single parishwide ambulance service

1 district upon concurrence by resolution of the governing authority of the
2 municipality.

3 * * *

4 §9073.1. Huntington Park Subdivision Improvement District

5 A. Creation. The Huntington Park Subdivision Improvement District, a
6 special taxing district, ~~hereinafter~~ referred to in this Section as the "district", is
7 hereby created in ~~any municipality with a population greater than four hundred~~
8 ~~seventy-five thousand~~ the city of New Orleans.

9 * * *

10 §9076. Certain improvement districts

11 A. Notwithstanding any provision of law to the contrary, the governing
12 authority in ~~any parish with a population in excess of four hundred seventy-five~~
13 ~~thousand persons or more according to the latest federal decennial census~~ the parish
14 of Orleans may continue to levy and collect any tax or fee levied to support an
15 improvement district within such parish created to promote and encourage the
16 beautification, security, and betterment of any subdivision located within the district.
17 The continuation of such levy shall be contingent on the approval of a majority of
18 the registered voters of the district at an election called pursuant to the Louisiana
19 Election Code.

20 * * *

21 §9611. Application and purpose

22 A.(1) This Chapter applies to the ~~following~~:

23 ~~(a) Municipalities that are governed by a home rule charter and that have a~~
24 ~~population in excess of two hundred fifty thousand persons according to the latest~~
25 ~~federal decennial census.~~

26 ~~(b) Parishes that are governed by a home rule charter and that have a~~
27 ~~population in excess of four hundred thousand persons according to the latest federal~~
28 ~~decennial census~~ city of New Orleans and the parishes of East Baton Rouge and
29 Jefferson.

3 * * *

SPEAKER OF THE HOUSE OF REPRESENTATIVES

GOVERNOR OF THE STATE OF LOUISIANA

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